

REMARKS

In the ***non-final*** Office Action of October 7, 2010 the Office noted that claims 11, 14, 17, 19 and 20 were pending and rejected claims 11, 14, 17, 19 and 20. In this amendment claim 11 has been amended, no claim has been cancelled, and, thus, in view of the foregoing claims 11, 14, 17, 19 and 20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for interviewing this matter on February 4, 2011. At the Interview the prior art of Salzman and Fiddian-Greene were discussed as to what was gas permeable and what was not. No agreement was reached. Possible amendments were discussed. The Applicants have amended the claims herein consistent with possible amendments discussed at the Interview.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 14, 15, 17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Salzman, U.S. Patent No. 5,423,320 in view of Fiddian-Greene, U.S. Patent No. 6,238,339. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Applicants have amended claim 1 to recite "wherein the section to be introduced (24) comprises: a first tube (1) to which an additional tubing (4) is connected, a second tube (2) arranged substantially parallel with and fixed to the first tube (1), wherein the distal end (22) of the second tube (2) is in direct communicating connection with the first tube (1) and **an entire length of each of** the first tube (1) and the second tube (2) are made of a material readily permeable for gases and substantially impermeable for body fluids and other substances, and an additional tubing (5) is connected to the second tube (2), wherein the outer diameter of the first tube (1) ranges from 2 to 4 mm and its wall thickness from 0.5 to 1.0 mm, and the outer diameter of the second tube (2) ranges from 1.0 to 1.5 mm and its wall thickness from 0.3 to 0.5 mm." (Emphasis added)

Support for the amendment may be found, for example, in ¶ 0025 of the printed publication of the Specification. The Applicants submit that no new matter is believed to have been added.

It is clear that in Salzman that only the connection area 18, which the Examiner equates to the connection in the present claims, has a gas permeable area 20. Neither the entire length of lumens 22 or 24 introduced into the body of the patient are made of gas permeable material. Fiddian-Greene likewise fails to disclose such a feature.

For at least the reasons discussed above, Salzman and

Fiddian-Greene, taken separately or in combination, fail to render obvious the features of claim 11 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 11, 14, 17, 19 and 20 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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